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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,605	04/30/2001	Akira Ichikawa	Q64273	9350

7590 11/20/2006

Sughrue Mion Zinn
Macpeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037-3213

EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/830,605	ICHIKAWA ET AL.	
	Examiner	Art Unit	
	Victor S. Chang	1771	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Victor S. Chang, examiner. (3) _____
 (2) Joseph Ruch, Jr., attorney. (4) _____

Date of Interview: 15 November 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: all.

Identification of prior art discussed: references of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Victor S. Chang
 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants argue that the missing declaration was submitted with the reply filed 7/3/2006, and presented two faxes (attached) showing the filing receipt and the Declaration. Since the filing receipt shows proper filing of the Declaration, the examiner entered and reviewed the Declaration, and a comment regarding the Declaration was made over the phone to the applicants as follows: 1. The Declaration merely compares the printability of different embodiments or arrangements of claimed elements, but lacks any argument how these embodiments relate to the combined teachings of prior art. 2. It is conceivable that the label can be printed separated, and the differences in the embodiments would have no impact on the printability. 3. Printability is absent from the claims, and it is unclear how printability relates to the core function of the label of having a contactless data storage capability, i.e., superior performance of intended function over combined teachings of prior art has not been shown.

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FAX

Date November 15, 2006

To Examiner Victor Chang

Of U.S. PATENT AND TRADEMARK OFFICE

Fax 571-273-1474

From Joseph J. Ruch, Jr.

Subject 09/830,605

Our Ref Q64273 Your Ref 09/830,605

Pages **3** (including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

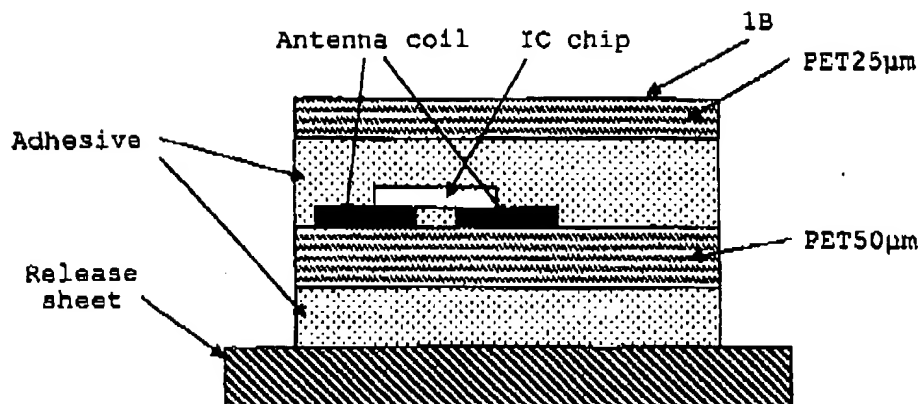
THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

Dear Examiner Chang:

Further to our telephone communication this morning, please find attached in accordance with your request the pages you did not receive viz., pages (4) and (5) of the executed Declaration Under 37 C.F.R. § 1.132 by Mr. Masateru YAMAKAGE. I will call you again later this afternoon to discuss this case.

Joseph J. Ruch, Jr./sdj

Fig. B (Comparative Experiments A-C)



EVALUATIONS

(1) Thicknesses

The thicknesses of the adhesive labels prepared in the Experiment A and the Comparative Experiments A-C were measured for the portion containing the IC chip and the portion not containing the IC chip, that is, the portion containing only the copper foil. The results are shown in Table 1.

(2) Printability

The adhesive labels prepared in the Experiment A and the Comparative Experiments A-C were printed by a heat transfer printer (manufactured by Zebra Co., Ltd.; 140XiIII). An ink ribbon used was B110C (manufactured by Ricoh Co. Ltd). The adhesive label prepared in the Experiment A was printed on the surface (1A; see Fig. 1) of the polyethylene terephthalate film (thickness= 50 µm) as the circuit substrate), whereas the adhesive labels prepared in the Comparative Experiments A-C were printed on the surface (1B; see Fig. 2) of the polyethylene terephthalate film (thickness= 25 µm). The evaluation was made from the standpoint of a defacing of the printing, distorted printing, and pin hole into three ratings as

follows:

A ... No defaced printing, no distorted printing, or no pin hole;

B ... No defaced printing, no distorted printing, but a pin hole partially occurred;

C ... The surface portion which was protruded due to the presence of the IC chip was not printed at all.

(3) Results

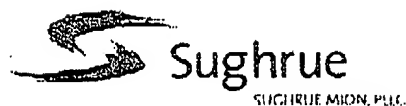
The results are shown in Table 1.

Table 1

	Printability	Thickness [μm]		
		Adhesive layer containing element	Portion containing IC chip	Portion without IC chip
Experiment A	B	26	335	179
Comparative Experiment A	C	46	373	222
Comparative Experiment B	C	124	441	293
Comparative Experiment C	A	228	494	406

DISCUSSION

A good printing was obtained without a substantial influence of an irregular or uneven structure due to the antenna coil and particularly the IC chip, in the adhesive label according to the present invention.



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FAX

Date November 14, 2006

To Examiner Victor Chang

Of U.S. PATENT AND TRADEMARK OFFICE

Fax 571-273-1474

From Joseph J. Ruch, Jr.

Subject 09/830,605

Our Ref Q64273 Your Ref 09/830,605

Pages 8 (including cover sheet)

URGENT

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Dear Examiner Chang:

Further to our conversation on November 14, 2006, we enclose a copy of the Executed Declaration Under 37 C.F.R. § 1.132 by Mr. Masateru YAMAKAGE, we also enclose a copy of the OIPE-acknowledged filing receipt showing that Executed Declaration Under 37 C.F.R. § 1.132 was filed with the Response and Petition for Extension of Time on July 3, 2006. I will call you on Wednesday morning to discuss this case. Thank you.

Joseph J. Ruch, Jr.

7

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of

Akira ICHIKAWA, et al.

Appln. No.: 09/830,605

Confirmation No.: 9350

Filed: April 30, 2001

For: ADHESIVE LABEL

PAPER(S) FILED ENTITLED:



Group Art Unit: 1771

Examiner: Victor S. Chang

1. Response Under 37 C.F.R. §1.111 (8 pages)
2. Petition for Extension of Time (in duplicate with Check No. 300967 in the amount of \$120.00).
3. Executed Declaration Under 37 C.F.R. § 1.132

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

DOCKET NO.: Q64273

ATTORNEY/SEC: JJR/FX1/bm

Date Filed: July 3, 2006

WASHINGTON OFFICE:

23373

CUSTOMER NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Akira ICHIKAWA et al.

Appln. No.: 09/830,605 Group Art Unit: 1771

Filed: April 30, 2001

For: ADHESIVE LABEL

DECLARATION UNDER 37 C.F.R. 1.132

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Masateru YAMAKAGE, citizen of Japan, do sincerely
and solemnly declare:

THAT I am by profession a polymer chemist having
earned a Bachelor's degree in organic polymer from Tokyo
Polytechnic University in March 1990;

THAT I have been employed by Lintec Corporation,
Tokyo, Japan, since April 1990, and from 1990 to 2004, I
was engaged in research mainly in the field of adhesive
labels, and from 2004, have been engaged in patent
prosecutions in the Intellectual Properties Department;

THAT I am in charge of the above-identified U.S.
Patent Application (referred to as "the present invention"
hereinbelow) as a staff member of the Intellectual
Properties Department and therefore, am completely familiar
with the present invention;

THAT I have reviewed the Office Action of March 3,
2006 and understand that the Examiner has rejected claims
1, 2 and 4-14 under 35 U.S.C. §103(a) as being unpatentable
over Tanimura et al. (US 6065701) in view of Applicants'

admission; and

THAT the following experiments were carried out under my direction and supervision.

EXPERIMENTS

(1) Experiment A

A copper foil (thickness = 35 μm) was adhered on a polyethylene terephthalate film (thickness= 50 μm ; as the circuit substrate), and an electric circuit (an antenna coil) was formed by etching. An IC chip (thickness = 150 μm) was connected with the electric circuit by a flip chip bonding to form a contactless data carrier element on the circuit substrate.

Then, a layer (thickness = 26 μm) of an acrylic pressure sensitive adhesive was formed on a release sheet prepared by coating a glassine paper with a silicone resin. The acrylic pressure sensitive adhesive layer was stuck to the circuit substrate on the surface carrying the contactless data carrier element to prepare an adhesive label according to the present invention.

(2) Comparative Experiment A

A contactless data carrier element was formed on the circuit substrate, by the procedures same as those in the above Experiment A.

Then, a layer (thickness = 46 μm) of an acrylic pressure sensitive adhesive was formed on a polyethylene terephthalate film (thickness= 25 μm). The acrylic pressure sensitive adhesive layer was stuck to the circuit substrate on the surface carrying the contactless data carrier element.

Thereafter, a layer (thickness = 26 μm) of an acrylic pressure sensitive adhesive was formed on a release sheet prepared by coating a glassine paper with a silicone resin. The acrylic pressure sensitive adhesive layer was stuck to the circuit substrate on the reverse side of the surface carrying the contactless data carrier element to

prepare an adhesive label for comparison.

(3) Comparative Experiment B

Procedures of the above Comparative Experiment A were repeated except that, a layer (thickness = 124 μm) of an acrylic pressure sensitive adhesive was formed on the polyethylene terephthalate film (thickness = 25 μm), instead of the layer (thickness = 46 μm) of the acrylic pressure sensitive adhesive, to prepare an adhesive label for comparison.

(4) Comparative Experiment C

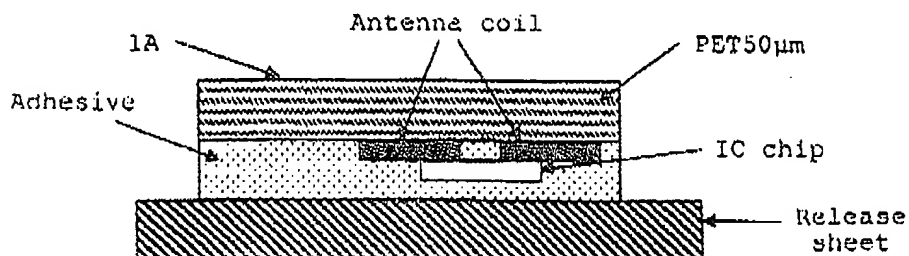
Procedures of the above Comparative Experiment A were repeated except that, a layer (thickness = 228 μm) of an acrylic pressure sensitive adhesive was formed on the polyethylene terephthalate film (thickness = 25 μm), instead of the layer (thickness = 46 μm) of the acrylic pressure sensitive adhesive, to prepare an adhesive label for comparison.

STRUCTURES

Figure A schematically illustrates the sectional structure of the adhesive label prepared in the Experiment A.

Figure B schematically illustrates the sectional structure of each of the adhesive labels prepared in the Comparative Experiments A-C.

Fig. A (Experiment A)



I, the undersigned declarant, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001, of Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 12th day of June , 2006.

M. Yamakage

Masateru YAMAKAGE